

## **Chapter 11**

### **Entry Level Performance and Conduct**

#### **11–1. General**

This chapter sets policy and provides guidance for the separation of soldiers because of unsatisfactory performance and/or conduct while in entry-level status.

#### **11–2. Basis for separation**

Separation of a soldier in entry level status may be warranted on the grounds of unsatisfactory performance and/or unsatisfactory conduct as evidenced by—

- a.* Inability.
- b.* Lack of reasonable effort.
- c.* Failure to adapt to the military environment.
- d.* Minor disciplinary infractions.

#### **11–3. Separation policy**

*a.* This policy applies to soldiers who—

- (1) Enlisted in the Regular Army, ARNG, or USAR.
- (2) Are in entry-level status, undergoing IET, and, before the date of the initiation of separation action, have completed no more than 180 days of creditable continuous AD or IADT or no more than 90 days of Phase II under a split or alternate training option. (See the glossary for precise definition of entry-level status.)

- (3) Have demonstrated that they are not qualified for retention. The following conditions are illustrations of conduct and/or performance that disqualify soldiers for retention:

- (a)* Cannot or will not adapt socially or emotionally to military life.
- (b)* Cannot meet the minimum standards prescribed for successful completion of training because of lack of aptitude, ability, motivation, or self-discipline.

- (c)* Have demonstrated character and behavior characteristics not compatible with satisfactory continued service.

- (4) Have failed to respond to counseling (DA Form 4856–R).

*b.* Enlisted women who become pregnant while still in entry-level status—

- (1) Will be involuntarily separated under this chapter when the training activity commander with separation authority, in conjunction with the medical officer (obstetrician), determines that they cannot fully participate in the required training for the MOS concerned because of their physical condition.

- (a)* The training commander will furnish the training requirements to the obstetrician.

- (b)* Soldiers separated for pregnancy that occurred after entry on AD or IADT are entitled to maternity care in a military medical facility only per AR 40–3.

- (2) Will be retained when they can fully participate unless they request separation per chapter 8.

*c.* Nothing in this chapter precludes separation under another provision of this regulation when such separation is warranted. For example, if homosexual conduct is involved, the case will be processed under chapter 15. However, if separation of a soldier in entry-level status is warranted by reason of unsatisfactory performance (see chap 13) or misconduct (minor disciplinary infractions (see para 14–12*a*), separation processing will be accomplished under this chapter. As an exception, soldiers with less than 181 days of continuous active service who have completed IET, been awarded an MOS, and been assigned to a follow-on unit for duty will be processed for discharge under the appropriate chapter (chap 13 or 14 or another appropriate chapter).

#### **11–4. Counseling and rehabilitation requirements**

Counseling and rehabilitation requirements are essential when entry-level performance and conduct are the reason for separation. Military service is a calling different from any civilian occupation, and a soldier should not be separated when this is the sole reason for separation unless efforts at rehabilitation have failed. Before initiating separation action, commanders will ensure that the soldier receives adequate counseling and rehabilitation. (See chap 1, section II.)

#### **11–5. Separation authority**

Commanders specified in paragraph 1–19 are authorized to order separation. Separation will be accomplished within 3 duty days following approval by the separation authority.

### **11-6. Type of separation**

The criteria in chapter 1, section VII, will govern whether the soldier will be released from AD or ADT with transfer to the IRR or be discharged. (See paragraph 1-11 for additional instructions on ARNGUS and USAR personnel.)

### **11-7. Procedures**

The commander will take action as specified in the notification procedure. (See chap 2, sec I.)

### **11-8. Description of service**

Service will be described as uncharacterized under the provisions of this chapter.

## **Chapter 12**

## **Retirement for Length of Service**

### **Section I**

#### **General**

#### **12-1. Purpose**

a. This chapter sets policies and procedures for voluntary retirement of soldiers because of length of service and governs the retirement of soldiers (Active Army, ARNGUS, and USAR) who are retiring in their enlisted status. AR 600-8-24, chapter 6, governs the retirement of eligible Regular Army soldiers in commissioned or warrant officer grades.

b. Prior service soldiers serving on active duty as officers who are not qualified for retirement in their commissioned or warrant officer status, may qualify for retirement per this chapter. For procedures, see AR 600-8-24.

#### **12-2. Retirement authority**

a. The following individuals are retirement authorities for soldiers with less than 30 years of service:

(1) Commander, HRC Alexandria may approve, disapprove, or delay the requested retirement date of Active Army soldiers in the grade of SSG(P) and above.

(2) A general officer in command may approve, disapprove, or delay the requested retirement date of Active Army soldiers in the grade of SSG and below. Retirement approval authority, but *not* disapproval/delay authority, may be delegated to the SPCMCA.

(3) Commander, HRC St. Louis may approve, disapprove, or delay the requested retirement date of all USAR soldiers who are not members of the Active Army.

(4) Chief, National Guard Bureau may approve, disapprove, or delay the requested retirement date of all ARNGUS soldiers who are not members of the Active Army.

b. The above individuals are referred to as “retirement authority” or “commander having retirement authority.”

c. The foregoing provisions concerning disapproval or delay of a requested retirement date do not apply to Soldiers denied continued service under RCP policy. (See paras 4-3 and 12-8d(2)(d)).

### **Section II**

#### **Statutory Authority**

#### **12-3. General provisions of laws governing retirement**

a. Soldiers of the Regular Army must be on active duty when they retire. (See 10 USC 3914 and 3917.) There is no statutory requirement that ARNGUS and USAR soldiers be on AD when they retire.

b. Retirement normally will be in the regular or reserve grade the soldier holds on the date of retirement. (See 10 USC 3961.)

(1) As an exception, ARNGUS and USAR soldiers serving on active duty at the time of retirement, under paragraph 12-4, in a grade lower than their highest active duty enlisted grade, who were administratively reduced in grade not as a result of their own misconduct, will retire at the highest enlisted grade in which they served satisfactorily on active duty. (See 10 USC 3963.)

(2) The Army Grade Determination Review Board in accordance with AR 15-80 will make determination of the highest grade served in satisfactorily.

(3) This provision applies only to ARNGUS and USAR soldiers retired after 30 September 1996. (See para 12-16 for instructions pertaining to former command sergeants major who are serving as sergeants major when they retire.) (See para 12-17 for instructions pertaining to former first sergeants who are serving as master sergeants when they retire.)